

10-03-02

DAE

Express Mail # 168106308US

#6

Attorney Docket # 2132-49PCON

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Janne LINKOLA

Serial No.: 09/915,009

Filed: July 25, 2001

For: Method and System for the Routing of Short Messages

Examiner: Not Yet Assigned
Group Art: 2681

Assistant Commissioner for Patents
Washington, DC 20231

RECEIVED
OCT 07 2002
OFFICE OF PETITIONS

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR §1.47(b)

SIR:

This Request for Reconsideration of Petition is being submitted in response to the Decision on Petition Under 37 CFR § 1.47(b) mailed from the U.S. Patent and Trademark Office on August 6, 2002. That Decision, which dismissed applicant's Petition filed April 4, 2002, provided applicant with a term of two (2) months from August 6, 2002 to correct certain deficiencies in the original Petition which the Petitions Examiner identified in the Decision of August 6, 2002.

In the Decision, the Petitions Examiner identified several defects in the originally-submitted Affidavit of Anni Vepsäläinen (Exhibit 3 to applicant's original Petition). In response, applicant submits herewith, as Exhibit 1 to this Request for Reconsideration of Petition, a new Affidavit of Anni Vepsäläinen in which the defects identified by the Petitions Examiner in the Decision of August 6, 2002 have been eliminated and corrected.

The Petitions Examiner also identified, in the Decision, certain defects in the substitute application Declaration and Power of Attorney document (Exhibit 8 to the original Petition) which had been signed on behalf of the nonsigning inventor by two representatives of Sonera Oyj, the party having proprietary interest in the subject U.S. patent application. Attached as Exhibit 2 to this Request for Reconsideration of Petition is a new application Declaration and Power of Attorney document which has been signed by the same two representatives of Sonera Oyj who signed the earlier-submitted document, and in which the defects identified by the Petitions Examiner in the Decision have been eliminated and corrected.

In view of this Request for Reconsideration of Petition, and the accompanying submissions identified as Exhibits 1 and 2 hereto, applicant respectfully requests that the Patent and Trademark Office reconsider and grant applicant's Petition (as originally filed on April 4, 2002 and as supplemented herewith) and thereby accept the filing of the subject U.S. patent application by Sonera Oyj in *lieu* of the nonsigning sole inventor, Janne Linkola, pursuant to 35 U.S.C. §118 and 37 CFR §1.47(b).

The undersigned hereby declares that all statements made herein of his own knowledge are true, and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of the Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

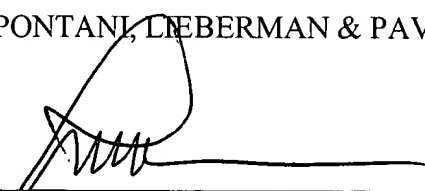
It is not believed that any additional fees or charges are required in connection with this Request for Reconsideration of Petition. Nevertheless, should any such additional fees or

charges be required at this time, the same may be charged to our Patent and Trademark Office
Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By



Lance J. Lieberman

Reg. No. 28,437

551 Fifth Avenue, Suite 1210

New York, New York 10176

(212) 687-2770

Dated: October 2, 2002



IN THE US PATENT AND TRADE-MARK OFFICE

IN THE MATTER OF US 09/915,009 for the **FI-990135, of 25 January 1999** "Method and system for the routing of short messages"

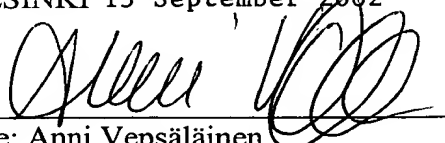
AFFIDAVIT FOR THE ABOVE NOTED MATTER IN THE US PATENT AND TRADE MARK OFFICE

I, Anni Vepsäläinen , of Sonera Oyj, MAKE OATH AND SAY AS FOLLOWS:

1. I am employed by Sonera Oyj of Helsinki, Finland
2. I am currently overseeing the matter of the registration of US patent application US 09/915,009 for us.
3. In January 1999, we filed a patent application FI 990135. The application was filed on 25 January 1999.
4. In 1999 I filed an international application under the Patent Co-Operation Treaty (hereinafter "PCT") claiming the Finnish filing date as the priority date.
5. I prepared the Finnish patent application FI 990135, and, the PCT-application, PCT/FI00/00046, under the direction of Mr Janne Linkola, employee of Sonera Oy at that time. Mr. Linkola was also the sole inventor of the subject patent. At the time, Mr. Linkola signed all documents on behalf of Sonera Oy.
6. According to Finnish law, and more specifically, to the statute of the Laws of Employees Inventions, all inventions created during the time of an individual's employment with a company, are property of the employer. Mr. Linkola must execute all documents which are needed to ensure the subject invention is patented because he was an employee of Sonera Oy and helped create an invention at the time. Attached hereto is an assignment. It serves as evidence to demonstrate the co-operation of Mr. Linkola prior to his decision not to execute documents needed for the subject patent.
7. According to the law and decree of employee inventions, Sonera Oy has the rights to the invention in question and Mr. Linkola is obliged to sign all the documents needed in the patenting process with respect of the invention.
8. Again referring to assignment, Mr. Linkola, confirms that the rights to the subject invention, under the Finnish law belong to Sonera Oy. By executing the patent document, he relinquishes his interests and rights to the invention.
9. Within 30 months of the priority date, 25 July 2001, the international application entered the national stage.
10. On or about July, 2001, I prepared declaration for the US national stage application. After completed, I delivered a complete copy of the application to Janne Linkola and did not receive a signed declaration. However, he has promised to sign the documents. Nevertheless since that time we have forwarded declaration documents to Janne Linkola and to this day have not received a response.

11. As I have not received any signed declaration, despite of many promises from Mr. Linkola, I regard this as a refusal of signing a declaration.

HELSINKI 13 September 2002


name: Anni Vepsäläinen